

However, Webster et al. (WO 95/03695) disclose a method for the preventative, protective and eradication treatment of fungal diseases of all types using certain stilbene derivatives and metabolites of specific bacteria [see page 1, lines 1-23]. The invention of Webster et al. is directed to fungus disease control for materials and organisms mitigated by fungal organisms, i.e. for the treatment of fungal diseases of all types [see paragraph bridging pages 1 and 2].

In contrast thereto, the present invention refers to the antimicrobial treatment of human substrates, i.e. skin, mucosa and hair. Generally, antimicrobial treatment refers to the inactivation of bacteria. From the biological point of view bacteria are prokaryotes. In contrast thereto, fungi are eucaryotic microorganisms, as is stated on page 2, lines 30-31 in the Webster reference.

Since Webster et al. has no teachings concerning antimicrobial treatment of skin, mucosa and hair as defined in present claim 18, the subject matter of present claims 18, 20, 21 and 28 (claim 30 is cancelled), is certainly novel with respect to Webster et al. Reconsideration and withdrawal of the rejection of claims 18, 20, 21 and 28 under 35 U.S.C. § 102(b) as being anticipated by Webster et al. (WO 95/03695) is therefore respectfully solicited.

Claims 18, 20-22, 25, 29 and 31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Docherty (U.S. Patent No. 6,197,834 B1).

However this reference discloses a method for inhibiting the formation of infectious herpes virus particles comprising administration of a therapeutically effective amount of a hydroxylated stilbene to a herpes virus-infected site.

The reference clearly discloses a therapeutic use that is directed to the treatment of viruses and not bacteria. Antimicrobial treatment of bacteria is neither taught nor suggested. Therefore, the present invention is clearly novel with respect to the disclosure of Docherty.

Reconsideration and withdrawal of the rejection of claims 18, 20-22, 29 and 31 under 35 U.S.C. § 102(b) as being anticipated by Docherty (U.S. Patent No. 6,197,834 B1) is respectfully solicited in light of the remarks *supra*.

Claims 18 and 20-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sheers, U.S. Patent 3,577,230.

This reference discloses a process for controlling undesirable microorganisms in natural waters, swimming pools, ornamental water installations, industrial process waters, industrial and municipal effluents and the like using trans-stilbenes as actives.

The reference discloses a method of water-treatment and is therefore different from the present invention, which is directed to personal care use, i.e. the treatment of human substrates, i.e. skin, mucosa and hair. Such treatment is neither taught nor suggested. Therefore, the present invention is clearly novel with respect to the disclosure of Sheers.

Reconsideration and withdrawal of the rejection of claims 18 and 20-23 under 35 U.S.C. § 102(b) as being anticipated by Sheers, U.S. Patent 3,577,230, is respectfully solicited in light of the remarks *supra*.

Claim 26 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Webster et al. However, as noted *supra*, Webster et al. (WO 95/03695) disclose a method for the preventative, protective and eradication treatment of fungal diseases of all types using certain stilbene derivatives and metabolites of specific bacteria. Since Webster et al. has no teachings concerning non-therapeutic treatment of skin, mucosa and hair as in present claim 26, the subject matter as a whole of said claim 26 is unobvious over Webster et al. Reconsideration and withdrawal of the rejection of claim 26 under 35 U.S.C. § 103(a) as being unpatentable over Webster et al. (WO 95/03695) is therefore respectfully solicited.

Claim 27 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Webster et al. in view of Grier, U.S. Patent 3,678,168. However, claim 27 has been cancelled without replacement.

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Docherty. The examiner asserts that adding another OH to resveratrol would have been obvious from Docherty.

However, as noted *supra*, this reference discloses a method for inhibiting the formation of infectious herpes virus particles comprising administration of a therapeutically effective amount of a hydroxylated stilbene to a herpes virus-infected site. Personal care applications, i.e. the non-

therapeutic treatment of human skin, mucosa and/or hair is neither taught nor suggested. Therefore, the invention of claim 19 is clearly unobvious with respect to the disclosure of Docherty.

Personal care applications require a specific and subtle handling of active ingredients with respect to the human skin- mucosa- and hair-affinitive formulations and the actives themselves, which have to be chosen very carefully. None of the cited reference is suggestive of this specific use.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 16-24, 26, 28, 29 and 32 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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Enclosure: Petition for Extension of Time

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